

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

YAROSLAV SURIS, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

MINDGEEK HOLDING SARL d/b/a
PORNHUB.COM d/b/a REDTUBE.COM
d/b/a YOUTPORN.COM, MINDGEEK LOS
ANGELES d/b/a PORNHUB.COM d/b/a
REDTUBE.COM d/b/a YOUTPORN.COM,
JOHN DOE CORPS. AND LLC'S 1-100,

Defendant.

CASE NO. 1:20-CV-00284

Judge Carol Bagley Amon

**DECLARATION OF
ANDREW LINK**

I, ANDREW LINK, declare as follows:

1. I am the Secretary of MindGeek U.S.A, Inc. ("MGUSA"). I have been employed by companies affiliated with MGUSA (or predecessor companies) for approximately 8 years. I know all of the following of my own personal knowledge and, if called as a witness, could and would competently testify thereto.

2. I understand that on or about January 16, 2020, plaintiff Yaroslav Suris, on behalf of himself and all others similarly situation (the "Plaintiff"), filed a lawsuit in the Eastern District of New York against a number of companies, including "MindGeek Los Angeles" and "MindGeek Holding SARL." There are no entities named "MindGeek Los Angeles" or "MindGeek Holding SARL" and no such companies ever existed.

3. There is, however, a company named MindGeek USA, Inc. MGUSA is a Delaware corporation with its principal place of business in Woodland Hills, California. MGUSA is in the business of overseeing the distribution of DVDs containing certain adult-oriented content. MGUSA is not in the business of managing or overseeing adult-oriented websites.

4. I have reviewed the websites set forth on Page 2 of the Complaint. MGUSA does not own, operate, or control the websites Pornhub.com, YouPorn.com, or RedTube.com (the

“Websites”) either directly or indirectly. Nor does MGUSA control any of the content that is uploaded to or made available on the Websites. Likewise, no company that owns or operates the Websites has any direct or indirect ownership interest in MGUSA. Moreover, no company that owns, operates or controls the Websites has a presence in the Woodland Hills office.

5. MG USA has never participated in or been involved in creating or distributing any content for the Websites. In fact, MGUSA does not create or produce any adult-oriented content. Thus, as far as I can determine from the Complaint, MGUSA had no involvement whatsoever with any of the conduct alleged in the Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 4th day of May, 2020 at Woodland Hills, California.

A handwritten signature in black ink, appearing to read "Andrew Link", is written over a horizontal line.

ANDREW LINK